

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFF****ELLEN C. CONREY**

(b) County of Residence of First Listed Plaintiff PHILADELPHIA, PA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Cary L. Flitter, Esq. and Theodore E. Lorenz, Esq., Flitter Lorenz, P.C., 450 N. Narberth Avenue, Suite 101, Narberth, PA 19072, (610) 822-0781

**DEFENDANT****FINANCIAL RECOVERY SERVICES, INC.**

County of Residence of First Listed Defendant HENNEPIN, MN  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |  |   |                            |                            |
|--|---|----------------------------|----------------------------|
| <b>PTF</b>   | <b>DEF</b>  | <b>PTF</b>                 | <b>DEF</b>                 |
| Citizen of This State <input type="checkbox"/> 1                   | <input type="checkbox"/> 1 Incorporated <i>or</i> Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State <input type="checkbox"/> 2                | <input type="checkbox"/> 2 Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 | <input type="checkbox"/> 3 Foreign Nation   | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

| CONTRACT  | TORTS  |   | FORFEITURE/PENALTY   | BANKRUPTCY   | OTHER STATUTES   |
|---|--|---|--|--|--|
| <input type="checkbox"/> 110 Insurance  | <input type="checkbox"/> 310 Airplane                          | <input type="checkbox"/> 362 Personal Injury - Med. Malpractice         | <input type="checkbox"/> 610 Agriculture                                 | <input type="checkbox"/> 422 Appeal 28 USC 158                   | <input type="checkbox"/> 400 State Reapportionment                                     |
| <input type="checkbox"/> 120 Marine   | <input type="checkbox"/> 315 Airplane Product Liability        | <input type="checkbox"/> 365 Personal Injury - Product Liability        | <input type="checkbox"/> 620 Other Food & Drug                           | <input type="checkbox"/> 423 Withdrawal 28 USC 157               | <input type="checkbox"/> 410 Antitrust   |
| <input type="checkbox"/> 130 Miller Act   | <input type="checkbox"/> 320 Assault, Libel & Slander          | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <b>PROPERTY RIGHTS</b>   | <input type="checkbox"/> 430 Banks and Banking   |
| <input type="checkbox"/> 140 Negotiable Instrument                                | <input type="checkbox"/> 330 Federal Employers' Liability      | <input type="checkbox"/> 370 Other Fraud                                | <input type="checkbox"/> 630 Liquor Laws                                 | <input type="checkbox"/> 820 Copyrights                          | <input type="checkbox"/> 450 Commerce  |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment    | <input type="checkbox"/> 340 Marine                            | <input type="checkbox"/> 371 Truth in Lending                           | <input type="checkbox"/> 640 R.R. & Truck                                | <input type="checkbox"/> 830 Patent                              | <input type="checkbox"/> 460 Deportation   |
| <input type="checkbox"/> 151 Medicare Act   | <input type="checkbox"/> 345 Marine Product Liability          | <input type="checkbox"/> 380 Other Personal Property Damage             | <input type="checkbox"/> 650 Airline Regs.                               | <input type="checkbox"/> 840 Trademark                           | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations            |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 350 Motor Vehicle                     | <input type="checkbox"/> 385 Property Damage Product Liability          | <input type="checkbox"/> 660 Occupational Safety/Health                  |  | <input checked="" type="checkbox"/> 480 Consumer Credit                                |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits        | <input type="checkbox"/> 355 Motor Vehicle Product Liability   |   | <input type="checkbox"/> 690 Other                                       | <b>SOCIAL SECURITY</b>   | <input type="checkbox"/> 490 Cable/Sat TV  |
| <input type="checkbox"/> 160 Stockholders' Suits                                  | <input type="checkbox"/> 360 Other Personal Injury             |   | <b>LABOR</b>   | <input type="checkbox"/> 861 HIA (1395ff)                        | <input type="checkbox"/> 810 Selective Service   |
| <input type="checkbox"/> 190 Other Contract                                       |  |   | <input type="checkbox"/> 710 Fair Labor Standards Act                    | <input type="checkbox"/> 862 Black Lung (923)                    | <input type="checkbox"/> 850 Securities/Commodities/Exchange                           |
| <input type="checkbox"/> 195 Contract Product Liability                           |  |   | <input type="checkbox"/> 720 Labor/Mgmt. Relations                       | <input type="checkbox"/> 863 DIWC/DIWW (405(g))                  | <input type="checkbox"/> 875 Customer Challenge 12 USC 3410                            |
| <input type="checkbox"/> 196 Franchise  |  |   | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act      | <input type="checkbox"/> 864 SSID Title XVI                      | <input type="checkbox"/> 890 Other Statutory Actions                                   |
|   |  |   | <input type="checkbox"/> 740 Railway Labor Act                           | <input type="checkbox"/> 865 RSI (405(g))                        | <input type="checkbox"/> 891 Agricultural Acts   |
| <b>REAL PROPERTY</b>  | <b>CIVIL RIGHTS</b>  | <b>PRISONER PETITIONS</b>   | <input type="checkbox"/> 790 Other Labor Litigation                      | <b>FEDERAL TAX SUITS</b>   | <input type="checkbox"/> 892 Economic Stabilization Act                                |
| <input type="checkbox"/> 210 Land Condemnation                                    | <input type="checkbox"/> 441 Voting                            | <input type="checkbox"/> 510 Motions to Vacate Sentence                 | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act                | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | <input type="checkbox"/> 893 Environmental Matters                                     |
| <input type="checkbox"/> 220 Foreclosure  | <input type="checkbox"/> 442 Employment                        | <b>Habeas Corpus:</b>   |  | <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609         | <input type="checkbox"/> 894 Energy Allocation Act                                     |
| <input type="checkbox"/> 230 Rent Lease & Ejectment                               | <input type="checkbox"/> 443 Housing/Accommodations            | <input type="checkbox"/> 530 General                                    |  |  | <input type="checkbox"/> 895 Freedom of Information Act                                |
| <input type="checkbox"/> 240 Torts to Land  | <input type="checkbox"/> 444 Welfare                           | <input type="checkbox"/> 535 Death Penalty                              |  |  | <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice |
| <input type="checkbox"/> 245 Tort Product Liability                               | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment | <input type="checkbox"/> 540 Mandamus & Other                           |  |  | <input type="checkbox"/> 950 Constitutionality of State Statutes                       |
| <input type="checkbox"/> 290 All Other Real Property                              | <input type="checkbox"/> 446 Amer. w/Disabilities - Other      | <input type="checkbox"/> 550 Civil Rights                               |  |  |  |
|   | <input type="checkbox"/> 440 Other Civil Rights                | <input type="checkbox"/> 555 Prison Condition                           |  |  |  |

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. § 1692

Brief description of cause: Violation of Fair Debt Collection Practices Act

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

**DEMAND \$**

CHECK YES only if demanded in complaint  
**JURY DEMAND:** ☒ Yes ☐ No.

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

**JUDGE****DOCKET NUMBER**

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM** to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 432 Saint Luke Street, Philadelphia, PA 19140

Address of Defendants: 4900 Viking Drive, Edina, MN 55435

Place of Accident, Incident or Transaction: 432 Saint Luke Street, Philadelphia, PA 19140

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock? (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

**A. Federal Question Cases:**

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases

(Please specify) Fair Debt Collection Practices Act, 15 U.S.C. § 1692

**B. Diversity Jurisdiction Cases:**

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability (Asbestos)
9. ☐ All other Diversity Cases  
(Please specify)

**ARBITRATION CERTIFICATION**

(Check appropriate Category)

I, \_\_\_\_\_, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought

DATE: \_\_\_\_\_ Attorney-at-Law \_\_\_\_\_ Attorney I.D. \_\_\_\_\_

**NOTE:** A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10/16/14 [Signature] 67795  
CIV.609 (4/03) Attorney-at-Law Attorney I.D.

**APPENDIX I****IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA****CASE MANAGEMENT TRACK DESIGNATION FORM**

ELLEN C. CONREY

v.

FINANCIAL RECOVERY SERVICES, INC.

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( X )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

10/16/14  
Date

T. Lorenz  
Attorney at Law

Theodore E. Lorenz, Esq.  
Attorney for Plaintiff

610-822-0781  
Telephone

610-667-0552  
Fax Number

lorenz@consumerslaw.com  
E-Mail Address

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ELLEN C. CONREY  
432 Saint Luke Street  
Philadelphia, PA 19140,

Plaintiff,

vs.

FINANCIAL RECOVERY SERVICES, INC.  
4900 Viking Drive  
Edina, MN 55435,

Defendant.

CIVIL ACTION

NO.

**COMPLAINT**

**I. INTRODUCTION**

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 (“FDCPA”).

2. The FDCPA prohibits debt collectors from engaging in unfair or unconscionable practices in the collection of a consumer debt. 15 U.S.C. § 1692f.

3. Defendant is subject to strict liability for sending a collection letter which violates the provisions of the FDCPA by disclosing personal identifying information.

**II. JURISDICTION**

4. Subject matter jurisdiction of this Court arises under 15 U.S.C. §1692k, actionable through 28 U.S.C. §§1331 and 1337.

5. Venue is proper as defendant regularly does business in this district and has caused harm in this district.

### **III. PARTIES**

6. Plaintiff Ellen C. Conrey (“Plaintiff” or “Conrey”) is a consumer who resides in Philadelphia, Pennsylvania at the address captioned.

7. Defendant Financial Recovery Services, Inc. (“Defendant” or “FRS”) is a nationwide debt collector which has a principal place of business at the address captioned.

8. Defendant regularly engages in the collection of consumer debts in this district using the mails and telephone.

9. Defendant regularly attempts to collect consumer debts alleged to be due another.

10. Defendant is a “debt collector” as that term is contemplated in the FDCPA, 15 U.S.C. § 1692a(6).

### **IV. STATEMENT OF CLAIM**

11. On or about June 4, 2014, Defendant FRS mailed a collection dun to Plaintiff in an attempt to collect a consumer debt alleged due. A copy of the June 4, 2014 letter is attached hereto as Exhibit “A” (redacted in part per Fed. R. Civ. 5.2).

12. The collection letter was mailed by FRS to Plaintiff in a window envelope.

13. Visible through the window of the envelope placed into the mails was the account file number that Defendant assigned to Plaintiff’s account.

14. The account number constitutes personal identifying information.

15. Section 1692f of the FDCPA prohibits the use of unfair or unconscionable means to collect or attempt to collect a debt, including the use of any language or symbol other than the debt collector’s name (only if it does not indicate the entity is in the debt collection business) or address on any envelope when communicating with a consumer by mail.

16. “The plain language of § 1692f(8) does not permit [an] envelope to display an account number.” *Douglass v. Convergent Outsourcing*, 765 F.3d 299, 303 (3d Cir. 2014).

17. The disclosure of an account number implicates privacy concerns under the FDCPA, 15 U.S.C. § 1692(a).

**COUNT I**  
**(FAIR DEBT COLLECTION PRACTICES ACT)**

18. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

19. Defendant violated the Fair Debt Collection Practices Act by sending a collection letter displaying personal identifying information on the envelope addressed to Plaintiff which violates the provision of the FDCPA by:

- (a) using unfair or unconscionable collection practices in connection with the collection of a debt, in violation of 15 U.S.C. § 1692f; and
- (b) using any language or symbol on envelopes mailed to consumers that revealed information other than the debt collector’s address, in violation of 15 U.S.C. § 1692f(8).

**WHEREFORE**, Plaintiff Ellen C. Conrey demands judgment against Defendant Financial Recovery Services, Inc. for:

- (a) Damages;
- (b) Attorney’s fees and costs; and
- (c) Such other and further relief as the Court shall deem just and proper.


**VII. JURY DEMAND**

Plaintiff demands trial by jury as to all issues so triable.

Respectfully submitted:

DATE:

10/16/14

  
CARY L. FLITTER  
THEODORE E. LORENZ  
ANDREW M. MILZ  
Attorneys for Plaintiff

**FLITTER LORENZ, P.C.**  
450 N. Narberth Avenue, Suite 101  
Narberth, PA 19072  
(610) 822-0781

# **EXHIBIT “A”**




DEPT 813 1674282214063  
PO BOX 4115  
CONCORD CA 94524



RETURN SERVICE REQUESTED

June 4, 2014



  
ELLEN C CONREY  
432 SAINT LUKE ST  
PHILADELPHIA PA 19140-2411






**FINANCIAL RECOVERY SERVICES, INC.**

**P.O. Box 385908**  
**Minneapolis, MN 55438-5908**  
**1-866-522-9394**

CURRENT CREDITOR: CAVALRY SPV I, LLC  
ORIGINAL CREDITOR: CAPITAL ONE BANK (USA), N.A.  
REGARDING: CAPITAL ONE BANK (USA), N.A.  
ACCOUNT NUMBER: XXXX4844  
DATE OF LAST PAYMENT: 05/16/11  
CHARGE-OFF DATE: 12/19/11

**BALANCE ITEMIZATION**

PRINCIPAL BALANCE: \$   
BALANCE DUE: \$   
ON-LINE PIN NUMBER:  9081  
(Used to access and view your file on WWW.FIN-REC.COM)

PLEASE BE ADVISED THAT CAVALRY SPV I, LLC THE CURRENT CREDITOR-DEBT PURCHASER HAS PURCHASED THE ACCOUNT REFERENCED ABOVE AND IT HAS BEEN PLACED WITH OUR OFFICE FOR COLLECTION.

AS OF THE DATE OF THIS LETTER, YOU \$ 

PLEASE FEEL FREE TO CALL US AT THE TOLL FREE NUMBER LISTED BELOW OR USE OUR ONLINE CONSUMER HELP DESK. FRS NOW ACCEPTS SOME FORMS OF PAYMENT ONLINE AT [WWW.FIN-REC.COM](http://WWW.FIN-REC.COM). SEE YOUR ONLINE ACCESS PIN ABOVE.

UNLESS YOU NOTIFY THIS OFFICE WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE THAT YOU DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF, THIS OFFICE WILL ASSUME THIS DEBT IS VALID. IF YOU NOTIFY THIS OFFICE IN WRITING WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE THAT YOU DISPUTE THE VALIDITY OF THIS DEBT OR ANY PORTION THEREOF, THIS OFFICE WILL OBTAIN VERIFICATION OF THE DEBT OR OBTAIN A COPY OF A JUDGMENT AND MAIL YOU A COPY OF SUCH JUDGMENT OR VERIFICATION. IF YOU REQUEST THIS OFFICE IN WRITING WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE, THIS OFFICE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR.

SINCERELY,  
BRANDON MOLINA  
ACCOUNT MANAGER  
TOLL FREE: 1-866-522-9394

THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.  
THIS COMMUNICATION IS FROM A DEBT COLLECTOR.

**SEE REVERSE SIDE FOR IMPORTANT INFORMATION.**

Office hours are: Monday-Thursday, 7am to 8pm; Friday 7am to 5pm; Saturday 7am to noon.

\*\*\*DETACH AND RETURN THIS PORTION OF THIS NOTICE WITH YOUR PAYMENT\*\*\*


NOTE: ANY CHECK RETURNED FOR INSUFFICIENT FUNDS OR ACCOUNT CLOSED WILL BE ASSESSED A \$15.00 CHARGE.

Amount Enclosed: \_\_\_\_\_

Home Phone: \_\_\_\_\_

Work Phone: \_\_\_\_\_

**TOTAL BALANCE DUE: \$ **

FRS File#: 



TOLL FREE: 1-866-522-9394

FINANCIAL RECOVERY SERVICES, INC.  
P.O. BOX 385908  
MINNEAPOLIS, MN 55438-5908



ELLEN C CONREY  
432 SAINT LUKE ST  
PHILADELPHIA, PA 19140-2411

